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18 March 1971

MEMORANDUM FOR THE RECORD

SUBJECTS: The Case Bill - S. 596
Symington Subcommittee Letter
Special Security Clearances

1. Accompanied Mr. Houston to a meeting called by Fred Buzhardt, General Counsel, DOD. In attendance at the meeting were Messrs. Stuart French, OSD /ISA, and [redacted] General Counsel, NSA. 25X1

2. It was the general consensus that the issue involved in the Case bill and Symington letter was Executive privilege and that now was the time to "bite the bullet."

25X1 a. Case bill: It was agreed that State's proposed coordinated Executive Branch views on the Case bill should be revised accordingly and Mr. Houston's suggested revision concerning the intelligence position would be coordinated with Mr. Buzhardt.

b. Symington letter: NSA has already replied identifying [redacted] as the point of contact. Mr. Houston said he wanted to consider inserting appropriate language in the Agency's reply, which identifies Mr. John Maury as the point of contact, to the effect that the reply not be interpreted as agreeing to review and inspection of our operational activities by the Subcommittee.

c. Committee jurisdiction: It was agreed that the Senate scene had changed much with the passing of Senator Russell and that it is quite difficult, if not impossible, for the Executive Branch to agree that committee jurisdiction is being improperly invaded by the Symington proposal. Mr. Buzhardt observed that the key is Senator Margaret Chase Smith, who may be able to persuade Senator Stennis that matters have gotten out of hand and that it is time to draw the line and make a stand now.

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d. Working group: Buzhardt suggested the preparation of background papers for the use of the "working group" and for Bill Rehnquist, Assistant Attorney General for Administration, Department of Justice, who would play a key role in the formal Executive privilege process. In this connection, Mr. Houston said we would make available a paper on sources and methods which had been prepared for PFIAB. Mr. French had prepared a paper proposing subject areas for invoking Executive privilege. Mr. Buzhardt ticked off the eleven areas involved and they seemed to be similar to those that had been followed in instructing witnesses scheduled to appear before the Symington Subcommittee last Congress.

e. Security clearances (Symington letter): It was the general consensus that the issue was not clearance, but access. The pros and cons of placing the responsibility on State for initiating clearances was discussed. The Defense people felt they could do a better job riding herd on clearances if they controlled those which were granted to cover DOD information. Specifically, there was talk of tightening up on (1) clearance briefings, (2) travel restrictions, (3) currency of background investigation, and (4) clearance termination.

SIGNED

[Redacted Signature]

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Assistant Legislative Counsel

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